THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16778 OF 2005

-

Dated: 21-11-2005

-

Between

N. Vanamali, S/o. Doraswamy Naidu, R/o. D.No.1/39, Srinivasapuram, Tirupati, Chittoor District.

...PETITIONER

AND

The District Registrar, Sri Balaji Registration District, R.No.13-4-391/B, Gangammagudi Road, Tirupati, Chittoor District and another.

...RESPONDETNS

ORDER:

-

-

Petitioner seeks a Writ of Mandamus to declare the action of the second respondent in not registering the agreement of sale and the sale deed executed in his favour by his vendor in respect of the property situated in Sy.No.555/2 to an extent of Ac.1.00 cents, situated in Yerramareddypalem village of Renigunta Mandal, Chittoor District as illegal and arbitrary and against the provisions of the Registration Act.

Learned Government Pleader for the respondents submits that a similar writ petition No.17113 of 2004 was disposed of this Court on 02.08.2005 in respect of the same village.

In the instant case the Sub-Registrar has not registered the agreement of sale and sale deed on the ground that the Mandal Revenue Officer, Chittoor District instructed the second

respondent herein vide communicated dated 07.03.2005 that Yerramareddypalem village is a minor Inam village and due to certain disputes a *de novo* inquiry is pending and therefore, any registration pertaining to the village would be taken up only after getting confirmation from the said MRO. In view of the same the second respondent refused to register the documents presented by the petitioner.

Merely because an inquiry is pending it cannot be a ground to refuse to register the documents. The only course open for the Government to prohibit alienation of any property is by way of issuing notification under Section 22-A of the Registration Act notifying the registering authority about the details of the property in respect of which registration shall not be effected. Admittedly no such notification has been issued in respect of the said village. Therefore, the action of the respondents in refusing to register the documents presented by the petitioner is illegal and unsustainable.

Having regard to the facts and circumstances of the case, the writ petition is disposed of granting liberty to the petitioner to submit any documents he seeks registration before the second respondent and on such submission, the second respondent shall consider the registration of the documents uninfluenced by the communication of the Mandal Revenue Officer or any other communication of the Department as long as there is no notification issued under Section 22-A of the Registration Act, in accordance with law and release the documents if found to be otherwise in order and if proper stamp duty and registration fee is paid.

_____

V. ESWARAIAH, J